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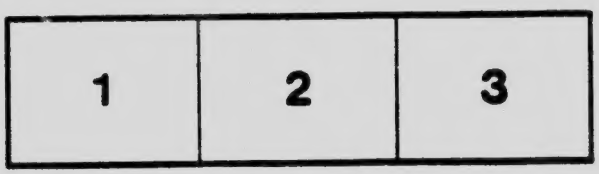

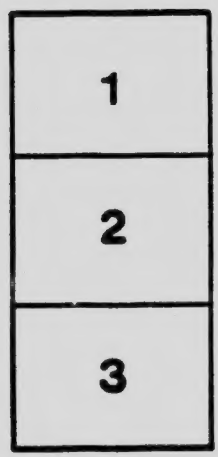

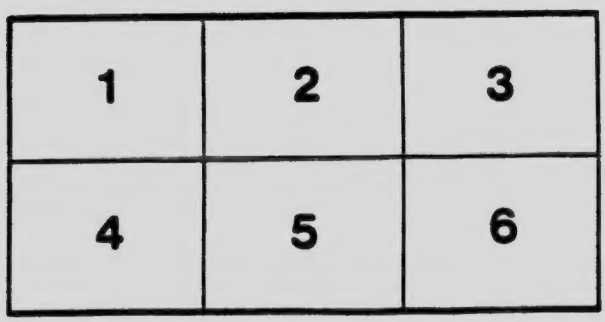

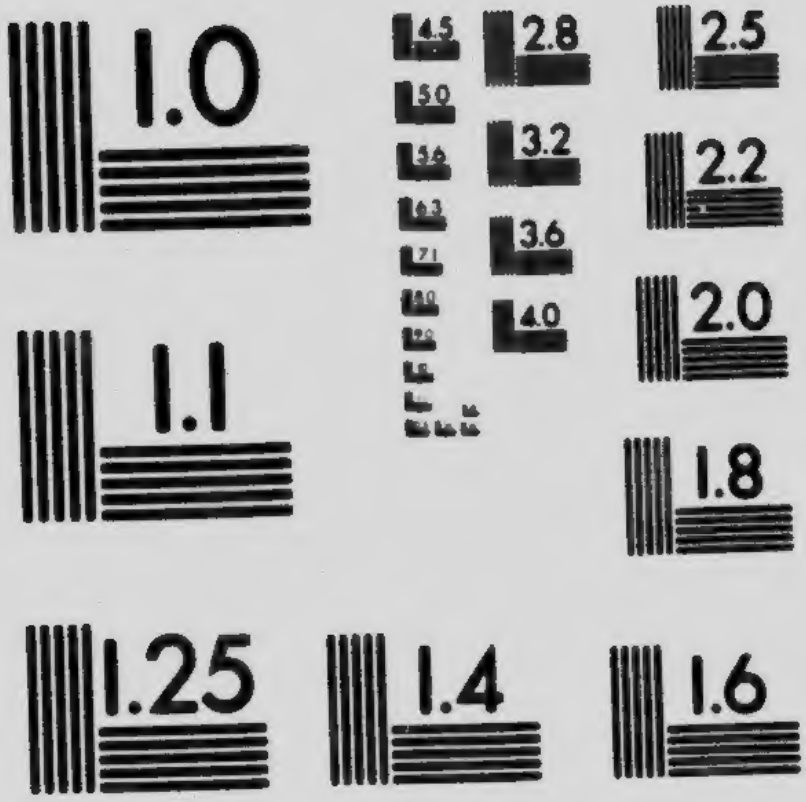

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Address of Hon. Mr. Justice William Renwick Riddell

Reprinted from the Proceedings of the American Society for Judicial Settlement of International Disputes, 1913

ADDRESS OF HON. MR. JUSTICE WILLIAM RENWICK RIDDELL

On this, my second visit to Washington at a meeting of this Society, I feel myself to be here rather in a dual capacity. One of these capacities I filled the other evening when I unloaded on a long-suffering audience "collections and recollections" concerning the arbitrations between the United States, on the one hand, and Great Britain (including Canada) on the other. That was assisting, in some degree, I hope the objects for which this Society was organized and is being carried on.

The other and more pleasant function which I have to perform, I propose to perform in my weak way this evening. That is, to bring to you the good wishes and greetings of your kindred Commonwealth to the north.

My friends here from lands large or small, as the case may be, will not understand me as intending to depreciate or belittle their countries, of which they are so justly proud, when I devote my attention to a great extent to your country and to mine.

I do not feel myself a foreigner in the United States. After the closing of my court in Osgoode Hall, in Toronto, I can take a train and be, in the morning, in another Canadian city; and, being a lawyer—because although I am a judge I have not ceased to be a lawyer; I am not like the other judge who, when he received Her Majesty's patent appointing him to the bench, at once proceeded to sell his library and buy a new gun—being still a lawyer, like all lawyers on a holiday I go to the court as actors on a holiday go to the theatre. I see

the Union Jack, under which I was born, and under which I have lived the greater part of my life, floating over the court room in the same way it does over Osgoode Hall in Toronto. I see the judge garbed as I am garbed when I am sitting on the bench. I see the King's Counsel and the other lawyers before the court. Apparently everything is precisely the same as it is in my court; but wait a moment. Someone begins to speak. The language is not the language which I learned at my mother's knee, but another language, as ancient, if you like, more euphonious, if you please, but it is not the English language. And the law however scientific and philosophical is not based on the Common Law of England.

But suppose I go the other way. I go west a short distance, and perhaps then south into New York State or into Michigan. I go into a court room over which floats another flag, different from mine indeed, but a flag with which I have been familiar all my life, because I was born and brought up on the shore of Lake Ontario; and our American friends visit us frequently—and they never allow us to forget the Stars and Stripes is their flag. It is a flag with which I have been familiar all my life and which I look upon as next to my own. I enter a court room and I see a judge on the bench, wearing a different garb, it is true, from that I wear. I see no King's Counsel, but I see lawyers there. Sometimes a lawyer has on a black coat, sometimes he has not. But I listen and I hear familiar accents. I hear the common law of England, the same principles of decision, the very same maxims which we use. I hear what the lawyers fondly believe to be Latin, pronounced in the same way

as Latin is pronounced in my country—if I hear Latin pronounced in a certain way, I know I am in the company of common law lawyers, and that I am certainly not in the company of classical scholars—the Latin is pronounced precisely the same way as it is pronounced in my court, in Osgoode Hall; and I feel myself absolutely at home. No Canadian can ever be a foreigner in a land in which the English common law is the basis of decision and the English language is the language of the people.

Your people and ours are practically and essentially one—one in origin, one in language; language spoken perhaps with slightly different intonation, but there is no more difference between the intonation of Washington and Ottawa than there is between the intonation of Ottawa and Vancouver and Victoria; we Canadians have the American pronunciation, largely. We read the same masters, and have the same sentiments—both say:

> We must be free or die, who speak the tongue
> That Shakespeare spake; the faith and morals hold
> Which Milton held.

We are all one people: even when we deplore that difference which divided us a hundred years ago, that division is as nothing compared with the centuries of glorious history, the centuries of glorious literature, which we have in common. That division in the past is merely skin deep, as compared with our essential and fundamental identity and unity.

The solidarity of the English speaking races is growing. It is based not only on identity of origin and identity of language, but on identity of institutions.

You call yourselves a republic, and you at all times have a monarch even if his rule is not for life. We call ourselves a monarchy, while we are really a republic. But after all, in both nations the majority get their own way ultimately, one way or the other.

Our institutions are practically the same. Our views of justice and right, of jurisprudence and honesty, are practically the same, and these, after all, are what make men one, what make men feel themselves the same people.

Of course there are those in the United States and in Canada who are of different lineage and of different language but I am here to speak to Americans, English speaking Americans, as a Canadian, an English speaking Canadian. That sympathy, that solidarity between us has been helped by the hundred years of peace through which we have lived. Let no man persuade you that the War of 1812 has had anything to do with building up the respect and feeling of kindliness and familiarity, the fraternity between the two peoples. I know whereof I speak; I know Canadian people, I venture to think, as well as most and I am thoroughly convinced that no small part of the ill feeling which exists on my side of the line is due to that war directly or indirectly. Thank God it is confined to a comparatively insignificant number. Still, there is ill feeling. You will find people on my side of the line who are just as anxious to take a shot at the American eagle as some men on your side of the line are to twist the lion's tail. They are in general practically negligible there; but you can hear them now and then.

They remind me of the farmer who made a contract

to supply a restaurant keeper with four carloads of frogs. He ultimately brought in two pails full and said those were all he could catch. "But," said the restaurant keeper, "you promised to bring me four carloads." "Well," he said, "I thought there were that many down in the swamp, they made such a racket."

These people—fools they may be called but they are worse than fools. They are traitors to their country. The man or woman who tries to stir up ill feeling and strife between the three branches of the English people is a traitor to his race, I care not whether he lives on this side of the international boundary or the other. That international harmony between us is going to have no small effect upon the peace of the world. God knows something is needed to assist in bringing about the peace of the world. Dr. Hill has spoken not too strongly about the difficulties in the way. There have been those who were working and bearing the burden and heat of the day for years and years and years, looking forward to the advent of peace throughout the world; and to them it seems very little nearer than it was before.

Peace is never popular. There was an election fought in the United States over "54–40 or fight," and the gentleman who had that on his banners succeeded in being elected President of the United States. There never was yet an election fought on a treaty of peace or arbitration treaty. Peace is not popular. Peace has no prancing steeds, no waving banners, no glittering swords, no shining helmets, no stirring tunes. Peace is as gray and drab as her own dove.

War is historic. War is picturesque. War appeals to sentiment. War appeals to taste. War appeals to feeling. War appeals to the lowest, most fundamental elements of human nature.

War I abhor;
And yet, how sweet
The sound along the marching street
Of drum and fife, and I forget
Wet eyes of widows and forget
Broken old mothers and the whole
Dark butchery, without a soul.

Without a soul save this bright drink
Of heady music sweet as hell
And even my peace abiding feet
Go marching down the marching street.
For yonder, yonder goes the fife
And what care I for human life?
The tears fill my astonished eyes,
And my full heart is like to break,
And yet 'tis all embannered lies,—
A dream these little drummers make.

Oh, it is wickedness to clothe
Yon hideous, grinning thing that stalks
Hidden in music, like a queen
That in the garden of glory walks,
Till good men love the thing they loathe.
Art, thou hast many infamies,
But not an infamy like this.

Art, painting, music, poetry, all dignify and glorify war. When did they, except perchance in some droning oratorio, speak of peace?

And yet the leaven is working. A Presbyterian professor of theology not very long ago said to me, "Mr. Justice Riddell, I am thoroughly in accord with you in your views concerning peace; but what good are you doing? How much further on are you than when you started?" I said, "My dear friend, Christ died for sinners many, many years ago. How much further on was the Christian religion fifty years after He died than it was when He died?"

You cannot make omelettes without breaking eggs, to start off with. You cannot do great things in a hurry. Everything great that is done is done slowly, quietly, peacefully. But it is working.

Say not the struggle naught availeth,
The labor and the wounds are vain,
The enemy faints not nor faileth
And as things have been they remain.

If hopes are dupes, fears may be liars.
It may be in yon smoke concealed
Your comrades chase, e'en now, the fliers,
And but for you possess the field.

And though the tired waves vainly breaking
Seem here no painful inch to gain,
Far back, through creeks and inlets making
Comes, silent, flooding in, the main

And not through eastward windows only
When daylight comes, comes in the light;
In front the sun climbs slow, how slowly,
But westward lo, the land is bright.

It is working. The leaven is working. The measure of meal is being moved. People are thinking; and once people think, there is an end of war.

Our people, my people and yours, as I have said, come from the same stock. More than a hundred years ago, when your Revolution became successful, there were hundreds and thousands of splendid Americans who came into my country, Ontario, Upper Canada, and founded Upper Canada. Not as poor suppliants came they into our Canadian wilds, but with head erect, and fearless eye, victorious in defeat, keeping their faith to their king. As the old Cavalier in the revolution a hundred years before kept the faith, so these Cavaliers in the new revolution kept their faith, and came into Canada as British subjects. They brought with them the American conception of liberty, which was the same liberty which their ancestors had brought with them from the motherland. Your conception of liberty and ours is the same. Your and my ancestors determined that they would govern themselves. That is part of the genius of the English speaking people, it is part of their conception of the fitness of things—they insist that they will govern themselves, whether for right or for wrong.

I have always said that when the farmers drew themselves up on Bunker Hill, they fought not for the Thirteen Colonies alone but for Canada and Australia and South Africa and New Zealand, aye, for England herself, for all of England that is worth calling England, and for all that made the British Empire worth while. Your people and mine in Canada have been one; your people are one with the people just across the Atlantic, a few

days sail. Just as your people and mine are one, so the English people and you and we all constitute one. We understand each other.

It is perfectly impossible to make a non-English speaking individual understand an English speaking people. I suppose it is equally impossible for us to understand the French or the Spanish or the German speaking people; but we understand each other. There is a feeling among us that we do understand each other, that we are all one, and we each know what the other will do.

In a town in the south of France there is a beautiful sitting monument under which are written the words "Sollicita sed non turbata."

"Sollicita sed non turbata"—anxious but not troubled. Each branch of the English speaking people looks at the other, watching with interest what the other will do, but not troubled as to what it will ultimately do.

We have heard something at this meeting about the Panama Canal. I am not going to say one word about the rights or the wrongs of the Panama Canal matter. The American people are guardians of their own honor. They will hear no word from me as to what they ought to do or ought not to do; but this must be noticed that the English people on the one hand and the Canadian people on the other hand, with a few negligible exceptions, have been perfectly calm about the matter, being quite certain that in the long run the American people will do that which is right. We are solicitous as to what they will do, but not troubled about the ultimate result.

So in Mexico. The dealing with Mexico by President Wilson has not been without interest to other nations of

the world. They have been solicitous. Britain has been solicitous. Canada has been solicitous. There are millions of Canadian capital in Mexico today. I know we are said to be a poor people, but we can invest in Mexico. There has been no word of interference with what Mr. Wilson would do. Nobody knew what he would do except himself, and perhaps he did not know—at all events he did not tell anybody. But while nobody knew what he was going to do, Britain and Canada were perfectly confident, perfectly satisfied—solicitous, anxious, as to what you will do, but not "turbatae," feeling that you will do that which is right. It was the same way the other day when the British men-of-war were ordered to Mexico. The American people were not in the slightest degree troubled. Notwithstanding what some newspapers on this side of the Atlantic and some on the other side have said as to what the intention of Britain was, the American people had no fear whatever that there was going to be any interference on the part of Great Britain with what the American President saw fit to do. The American people were not entirely indifferent—Britain still has a fleet—they were solicitous, if you will, "sed non turbata."

The peoples understand each other. They know that ultimately each branch of the people will do that which is essentially just. Whether the Panama matter is to be settled in the way referred to by our friend Dr. Hannis Taylor last evening, I do not know. Frankly, I do not care. It is not a matter of any very great importance one way or the other. What is of importance is that the American people shall do that which is right—that they

shall do that which is right in the eye of the world, and particularly in the eye of their brethren across the sea and to the North.

I have always thought that these two nations are bound to stand side by side more than they have done even in the past. Must they not? Who is to do God's work? Who is to take up the white man's burden? No word shall come from me against that magnificent German nation from whom we have derived in Canada no small part of our strength. They are magnificent men in a magnificent nation; but Germany is looking always to the southwestern frontier.

France has been more than once the leader in civilization. France has all she can do to look after herself. She is looking to her northeastern frontier.

We know how Austria is divided. Russia has her own serf problem. Italy is not yet orientated after a war with Turkey. Can small nations help us, anxious as they are, splendid nations as they are, whether in South America, Central America or elsewhere?

The cry of the slave, the cry of the oppressed goes up to the throne of God every day; the tears of the afflicted water His footstool every hour. Who then, my friends, will still the one and wipe away the other, if these two nations do not join hand and hand and do God's work? They are the only nations which can do it. They are the nations which, please God, must do it.

I ask for no treaty. I ask for no formal union. There is that which is stronger than any parchment bond. There is that which is more lasting than words written by pen of gold or steel. It is the moral law; and

the law which proceeds from the throne of God, and more certain than the path of the planets around the sun, is that strong moral law which says that nations derived from the same source, speaking the same language, worshipping the same God under the same form, glorying in their centuries of splendid history in common, shall stand and march and, if need be, fight side by side for justice and truth and righteousness. It is to that union that I apply the words of your household poet:

> Sail on, O Union, strong and great!
> Humanity, with all its fears,
> With all the hopes of future years,
> Is hanging breathless on thy fate!
>
> Sail on, nor fear to breast the sea!
> Our hearts, our hopes, are all with thee,
> Our hearts, our hopes, our prayers, our tears,
> Our faith triumphant o'er our fears,
> Are all with thee,—are all with thee!

Please God the day may soon come.